

Aquaculture Is Agriculture In Pennsylvania

(Continued from last week.)

VERNON ACHENBACH JR.
Lancaster Farming Staff
HARRISBURG (Dauphin Co.) — When Pennsylvania's new Aquaculture Development Law goes into effect mid-December it is expected to help one of the state's fastest growing enterprises blossom.

With the stroke of a pen, Gov. Tom Ridge recently signed into law wording that both officially recognizes aquaculture as a branch of agriculture, and also provides directives for state agencies to work cooperatively toward fostering the growth of the industry.

The stated purposes of the law, are:

- "To encourage aquacultural operators to make a long-term commitment to aquaculture by offering them the same protections afforded other agricultural practices.

- To reduce the amount of governmental agencies with jurisdiction over aquaculture, by transferring authority over commercial aquacultural operations to the Department of Agriculture.

- To encourage further development of the aquacultural industry by including aquaculture in any and all promotional and other economic developmental programs which are made available to other industry sectors."

The law directs the state Department of Agriculture to develop a plan to promote and develop the aquaculture industry, and implement the plan as regulations of the department.

A 21-member advisory committee is also to be formed with the responsibility of drafting a plan for the development of aquaculture prior to Dec. 31, 1999.

The chairman of the committee is to be the secretary of agriculture, or a designee.

Other ex officio members (or designees representing such officials) are to be the secretaries of the state departments of Environmental Protection, and Community and Economic Development; the executive director of the state Fish and Boat Commission; the chairmen and minority chairmen of the House and Senate Ag and Rural Affairs committees, and the chairmen and minority chairmen of the House and Senate Game and Fisheries committees.

Nine appointed members are all to be active producers in their respective industries, as well as state residents.

There are to be three producers of cold water fishes; one producer of warm water fishes; one producer working with an indoor facility (the other two fish production industries are currently practiced as primarily outdoor activities); a person who supplies products or provides services for the aquaculture industry; an aquacultural wholesaler, food broker or food merchant; an aquarium or ornamental species aquacultural merchant, and a representative of the sport fishing industry.

The law also directs the Pennsylvania Agricultural Statistics Service (PASS — a joint federal-state service) to conduct a survey of aquacultural activity in the state every two years.

The new law defines "aquaculture" as, "A form of agriculture which is the controlled cultivation of aquatic plants, animals and microorganisms."

While Pennsylvania is already fourth in the nation in commercial

trout production, it has a variety of other aquacultural operations ranging from goldfish and related ornamental koi, to types of baitfish and foodfishes.

There are closed-system facilities (whereby water is recirculated and kept isolated from common-wealth waters), and open-ended facilities (where water is diverted from springs, wells or surface sources, and empty into common-wealth surface waters).

A number of high school agricultural projects involving the raising of tilapia, also known as St. John's fish, already exist in some school districts where such hands-on agricultural science education is still being used (as a practical lab) in coordination with classroom instruction.

Those school facilities are among some of the more common examples of closed-system facilities.

The new law provides some grandfathering of existing facilities around the state, recognizing the low-environmental impact of aquacultural facilities, and provides for general permits for operation under the National Pollution Discharge Elimination System (NPDES).

It also limits the fees, and changes an annual permit to a five-year permit.

The law also addresses some interstate commerce and biosecurity concerns.

While the law restricts the import of fish from sources that have not been approved as testing free of diseases of concern, there are no specific diseases of concern yet established. The Advisory Committee is to determine what they are.

Supporters and framers of the law take the position that while the law allows Pennsylvania to restrict some imports based upon potentially dangerous diseases, it does not attempt to impose a disease-free status for aquaculture.

In real life, attempting to create a disease-free animal population is a certainty for failure. Except for perhaps some specialized colonies of animals raised for scientific research, the chances of finding, much less maintaining a stock of completely disease-free food animals is most likely impossible, and certainly not profitable.

However, the law does allow for biosecurity of the state's aquacultural industry.

It outlines a system for the prevention of aquacultural imports carrying diseases that are not widely found in Pennsylvania.

According to the law, "Sources may be preapproved by (the Pennsylvania Department of Agriculture) for an entire calendar year. Denials shall be restricted to those sources where diseases are nonendemic to this commonwealth..." as well as for any disease associated with the source that are of concern, based upon the recommendation of the Aquaculture Advisory Committee.

The law is clear about who can and who can not propagate fish.

"Except for hobby breeders, artificial propagation of any species of fish is limited to those who have registered ..."

"Artificial propagation by anyone, whether or not registered, is limited to those species of fish approved..." by law or by regulation of PDA.

Penalties for selling, offering to sell, or purchasing prohibited fish

with a market or sale value of \$50 or more is guilty of a misdemeanor of the third degree. For values of less than \$50, the offense is a misdemeanor of the first degree.

Somewhat related to the regular business of aquaculture, the law also includes a section that considers the fate of two federal fish research stations in Pennsylvania.

The federal research stations are considered to be state-of-the-art facilities, but are largely unused, for lack of federal funds to staff the facilities, as well as a lack of federal research projects to carry out.

According to some in the aquacultural community, allowing the federal research stations to deteriorate is frustrating, as well as wasteful of millions of tax dollars.

The law states, "The Department of Agriculture is directed to analyze needs for aquacultural research to determine the desirability and feasibility of acquiring via a public or private consortium one or both of the federal fish research stations ... should either or both ... become available."

Overall, the law is expected to provide aquaculture with a helping hand, instead of a halting hand.

According to Leo Dunn, aquaculture coordinator for PDA, "We receive several requests every week for information about how to start an aquaculture facility. This legislation shows Pennsylvania's commitment to encourage further aquaculture development."

As past president of the National Association of State Aquaculture Coordinators, Dunn said Pennsylvania gets high marks for enacting a law that targets development of the industry.

It is the fastest growing sector of United State's agriculture, and in Pennsylvania has been growing at a rate of 5 percent every year. The state is the 11 largest aquaculture state in the nation based on value of products.

State Secretary of Agriculture Samuel E. Hayes Jr. said aquaculture is part of Pennsylvania's heritage.

"Records dating back to the time of Benjamin Franklin show that aquaculture was one of Pennsylvania's first agricultural practices. Pennsylvania is the fourth largest trout-producing state in the nation.

"Most people don't realize that Pennsylvania is home for two of the nation's largest goldfish and koi farms — most of which are exported to Europe for garden ponds," Hayes said.

Further, he noted that the state is home for two internationally recognized aquaculture feed companies.

Renee (Swank) Eckley, president of the United States Trout Farmers Association, the oldest aquaculture association in the nation, and president of Limestone Spring Trout Hatchery in Richland, Lebanon County, has been involved with the issue for some time.

Eckley became involved with aquaculture in 1981, taking a labor position at Limestone Springs starting out by picking out the dead or near dead fish in rearing raceways.

The facility had been a family owned and operated fee fishing and live stocking business that was abandoned in the mid-1970s. It was restarted by another group of investors in 1980, during a job crunch in the region.

With many people out of high-



From the left, state Aquaculture Coordinator Leo Dunn representing the state Aquaculture Association, say they are presenting the state Aquaculture Development Law. The two are standing in front of a display in the lobby of the state Department of Agriculture. Eckley commercially raises hybrid striped bass at a facility on the River.

paying, low-tech unionized foundry and mining jobs, the few labor jobs created with the restart of Limestone Springs were welcomed.

After a year and a half, the operation expanded into a fish processing operation, and Eckley was sent there to work and manage it. After three years of managing the processing operation, she returned to the main operation where she learned the administration, and is now serving as president of the business.

During that time, she also earned a law degree and passed the Pennsylvania Bar examination.

She said the new aquaculture law is very welcome to the aquaculture industry for a number of reasons, especially being defined as agriculture and having the state Department of Agriculture oversee the industry, instead of many state and federal agencies having their various and confusing concerns forced upon the aquaculture industry.

"Being under one department, and that being the Department of Agriculture, that defines what our industry is, which is farming," she said. "And now that we have become part of agriculture, that will help to protect and conserve and help our industry grow."

In addition to consolidating oversight of the industry into one state department, aquaculture is also expected to receive great relief from government legal contradictions and wrangling.

For government to work with a real industry, it must have a legally defined or construed responsibility and obligation to do so. Agencies can and are bound to pursue actions within a legal framework.

Unless it is legally authorized or justifiable, an agency can not spend whatever funds it wants to help just any individual or organization. The authority for an agency to act, allocate resources or consider issues concerning an organization or industry are ideally spelled out in law.

For aquaculture in Pennsylvania, it has for many years been in a state of uncertainty — depending on the time and the political arena, there have been discussions over the years as to how fish manure

was to be considered (as a harmless manure acceptable as a soil amendment, or as an industrial waste subject to expense tests and dumped at specialized landfills), how the industry was to deal with labor issues, taxing issues, environmental issues, etc.,

The new legal clarification of aquaculture as agriculture is of great legal and operational importance.

"We have a legal definition of what agriculture is, in our state, so that any regulation in the future, it will be clear what aquaculture is and what we do," Eckley said.

Some of the ongoing problems that have been facing some aquaculture sectors, such as trout farming, have to deal with wildlife predation.

For land-based agriculturalists, it has been clear for years that the state Game Commission Code allows for farmers to kill certain wildlife causing damage to crops or livestock.

Years ago, the state Game Code included fish rearing ponds as operations with the authority to kill wildlife breaking into facilities and helping themselves to large and frequent meals.

Just as what happens when a wild Pennsylvania black bear discovers an open municipal dump, once most individual wildlife discovers easy pickings, it is difficult if not impossible to dissuade the wildlife from returning for more.

Pennsylvania trout and fish farming operations occasionally have problems with individual birds, such as great blue herons, green herons, and other fish-eating birds killing and eating large quantities of fish, especially fingerlings and fry.

In recent years, while the federal government provided Pennsylvania trout farmers with permits to kill specific problem birds, the state Game Commission refused to co-authorize the permits, rendering them invalid.

The Game Commission refused to do so, because aquaculture was not specifically defined as agriculture and the modern Game Code only authorized killing wildlife to protect agricultural crops.

(Turn to Page A23)